

## **COURT ORDER DELAYED REGISTRATION OF BIRTH**

- If a person's birth was never registered, or there is no record of the event on file, what can be done?
- How do I file a petition with the court to judicially establish the fact of, and the time and place of birth?
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If a person's birth was never registered, or there is no record of the event on file, what can be done?

Any beneficially interested person may petition the Superior Court in the county in which the birth is alleged to have occurred, or in the county of residence of the person whose birth it is sought to establish, for an order to judicially establish the fact of, and the time and place of a birth that is not registered or for which a certified copy is not obtainable. (Health and Safety Code Section 103450.)

How do I file a petition with the court to judicially establish the fact of, and the time and place of birth?

We suggest you contact an attorney in this matter. If you do not wish to consult an attorney, there are books available at bookstores or public libraries to assist you with the court process. The Office of Vital Records (OVR) cannot provide legal advice, nor does it have information concerning the legal process. You may also want to access the following web site for additional information:

[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov).

After I obtain a court order, how do I get a birth certificate?

At the time of the court hearing on the matter, you must present the court with a completed *Order Establishing Fact of Birth/Court Order Delayed Registration of Birth* (VS 108), along with any documents you have that confirm the time and place of birth. Once the judge judicially establishes the time and place of birth, submit the following items to the Office of Vital Records, Attention: Delayed Registration, MS 5103, P.O. Box 730241, Sacramento, CA 94244-0241:

- Certified copy of the *Order Establishing Fact of Birth*.
- Completed *Court Order Delayed Registration of Birth*.
- Required fee.

Can I send a photocopy of the court order when applying for a Court Order Delayed Registration of Birth?

No. The court order must be a **certified copy** of the Order Establishing Fact of Birth, issued by the court that granted the order. The certified copy must have an *original seal* and an *original signature* of the court clerk, and must be a certified copy of the order with the written signature of the judge – not a certified copy of an order that contains a stamped or printed name. OVR does not return the court order after the birth record is established.

## What is the fee for a Court Order Delayed Registration of Birth?

The fee for filing a *Court Order Delayed Registration of Birth* is \$20 and includes one certified copy. Additional certified copies are available for \$15 each.

## How do I complete the VS 108?

The VS 108 is a two-part form. The top part is the court order that will be signed by the judge, and the bottom part is the actual birth certificate that will be filed with the State Registrar at the Office of Vital Records.

### Part One (Top Portion) – Order Establishing Fact of Birth

When completing the top part of the form, please complete all items **except** those where the judge makes and signs the order (beginning with the paragraph near the bottom that states, “It is therefore ordered, adjudged and decreed ...”). Your reason for having to file the birth by court order **must** be included on the Order Establishing Fact of Birth. If not, you will have to return to court, have the order amended, and provide us with a certified copy of the amended order.

Before you leave the courthouse, please check for the following:

- Make certain there is a file number on the Order.
- Check to see that the Order contains the judge’s **original** signature – not a stamped or printed name.
- Make sure the Order has been **certified**. The certification is usually printed with red, blue, or purple ink and consists of a statement similar to the following: “This is a true and correct copy of the original copy on file in this office.”
- Make sure the certification on the Order contains an **original** signature.

### Part Two (Bottom Portion) – Court Order Delayed Registration of Birth

The bottom portion of the VS 108 becomes the official birth certificate that will be placed in the State Registrar’s files and provided to the County Recorder’s Office in the county where the birth occurred.

Since this is a legal document, there can be **no erasures, whiteouts, or alterations** on the form. It is best to complete the VS 108 with a typewriter. If you do not have a typewriter, please complete the information on *the Court Order Delayed Registration of Birth* in durable black ink and be sure to write or print legibly so the information can be easily read.

**DO NOT** enter any information in the space designated for the “State File Number” or in the space designated for “State Registrar Use Only.”

### Where do I get a VS 108 form?

We are unable to provide this form online. However, you can request that a form be mailed to you by clicking on [OVRform@dhs.ca.gov](mailto:OVRform@dhs.ca.gov) and providing us with your name, mailing address, and the form number you wish to receive. You may also obtain the form from the [County Recorder](#) or the [County Health Department](#) located in any California county. Xeroxed copies of the form are not acceptable.

### How long will it take to obtain a birth certificate?

Due to a current backlog of pending registrations, all requests are processed in the order received. The current processing time is approximately three months. Please note that processing times are subject to change without notice.

### I still have unanswered questions. Where can I get help?

If you have additional questions, or you need help completing the *Court Order Delayed Registration of Birth*, please call (916) 557-6078 and leave your name and telephone number. One of our Delayed Records Unit staff will return your call within 48 hours.